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6 Attorneys for Defendant  
7 JOANNE FOUNTAINE

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JOANNE FOUNTAINE,

15 Defendant.

Case No. CR-07-00006-SBA

**STIPULATION AND ORDER FOR  
CONTINUANCE AND EXCLUSION OF  
TIME UNDER THE SPEEDY TRIAL ACT,  
18 U.S.C. § 3161 ET SEQ.**

Hon. Sandra B. Armstrong

**STIPULATION**

The parties, by and through undersigned counsel, hereby agree and stipulate as follows:

A change of plea hearing for Defendant Joanne Fontaine is currently set for October 7, 2008 at 11:00 a.m. Due to acute issues with Ms. Fontaine's health, Ms. Fontaine is physically unable to attend the change of plea hearing on the scheduled date. Accordingly, the parties request that Ms. Fontaine's change of plea hearing be continued to October 28, 2008 at 3:00 p.m. The parties further request that, based on the facts provided herein, time be excluded under 18 U.S.C. § 3161(h)(4).

For several months, Ms. Fontaine has been suffering from a number of physical ailments. In early May, Ms. Fontaine underwent a non-elective surgery, during the recovery of which she fell and severely injured her knee. As a result, Ms. Fontaine underwent knee surgery to repair the ligaments that tore in that fall on September 30, 2008. As a result of this surgery, Ms. Fontaine is currently immobile. She is also in great pain and so has been taking strong pain medication. In addition, Ms. Fontaine has recently been treated for extremely high blood pressure and has been advised by her doctors that she should be hospitalized for the control thereof. Ms. Fontaine's issues with her hypertension remain unresolved.

For these reasons, the parties stipulate and agree that a continuance of Ms. Fontaine's change of plea hearing from October 7, 2008 at 11:00 a.m. to October 28, 2008 at 3:00 p.m. is necessary because Ms. Fontaine was physically unable to attend the hearing on the

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1 scheduled date. In addition, because of the impediment of Ms. Fountaine's health issues, time  
2 should be excluded pursuant to 18 U.S.C. § 3161(h)(4).

3 **IT IS SO STIPULATED.**

4 Dated: October 3, 2008

LATHAM & WATKINS LLP

5  
6 By \_\_\_\_\_  
Robert E. Sims  
Holly J. Tate  
7 Attorneys for Defendant  
JOANNE FOUNTAINE  
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9 **IT IS SO STIPULATED.**

10 Dated: October 3, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

11  
12 By \_\_\_\_\_  
13 Andrew S. Huang  
Chinhay J. Coleman  
14 Assistant United States Attorney  
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**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby FINDS that the continuance of Ms. Fountaine's change of plea hearing from October 7, 2008 at 11:00 a.m. to October 28, 2008 at 3:00 p.m. is necessary because Ms. Fountaine is physically unable to attend the hearing on its scheduled date.

Based on these findings, IT IS HEREBY ORDERED that Ms. Fountaine's change of plea hearing is continued from October 7, 2008 at 11:00 a.m. to October 28, 2008 at 3:00 p.m. and that time is excluded from the date of this Order to October 7, 2008 under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(4).

**IT IS SO ORDERED.**

DATED: \_10/6/08

  
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THE HONORABLE SAUNDRA B. ARMSTRONG  
UNITED STATES DISTRICT JUDGE